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10/708,262	02/20/2004	Kenneth McKethan	014682.000003	2261
44870 7590 01/10/2008 MOORE & VAN ALLEN, PLLC For IBM P.O. Box 13706 Research Triangle Park, NC 27709			EXAMINER YIGDALL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2192	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,262

Applicant(s)

MCKETHAN, KENNETH

Examiner

Michael J. Yigdall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13-19,21-27,29,30,36 and 38-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-19,21-27,29,30,36 and 38-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2007 has been entered. Claims 1, 3-11, 13-19, 21-27, 29, 30, 36 and 38-46 are pending.

Response to Amendment

2. The rejection of claims 36-46 under 35 U.S.C. 101 has been withdrawn in view of Applicant's amendment.

Response to Arguments

3. Applicant's arguments with respect to dependent claims 8 and 10 have been fully considered but they are not persuasive, as set forth in the final Office action mailed on September 12, 2007.

4. Applicant's arguments with respect to the other claims have been considered but are moot in view of the new ground(s) of rejection, as set forth below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-11, 14-19, 21-26, 29, 30, 36 and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,406,476 to Deziel, Jr. et al. (art of record, "Deziel") in view of U.S. Pub. No. 2003/0225748 to Haeberle (now made of record, "Haeberle").

With respect to claim 1 (currently amended), Deziel teaches a method to gauge and control churn of a project (see, for example, the abstract), comprising:

determining an estimated project churn, wherein project churn includes any identifiable and unplanned changes to a scope of the project (see, for example, column 15, lines 63-68, which shows determining an estimated delay in the project to account for shortfalls, and column 15, lines 44-58, which further shows that shortfall is included among any identifiable and unplanned changes to a scope of the project);

collecting heuristic information on each task of the project requiring rework or modification in response to any potential project changes for determining the estimated project churn (see, for example, column 7, lines 58-67, which shows collecting heuristic information for every such activity or task of the project).

Deziel further teaches that collecting heuristic information comprises at least collecting precedence information and collecting the parameters of a probability distribution on the duration of each task (see, for example, column 7, lines 58-67), but does not expressly disclose that collecting heuristic information comprises at least one of:

collecting a time to complete a same or a similar task in another project;

sampling a plurality of times to complete the same or similar task in a plurality of other projects;

surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Nonetheless, Deziel does teach that the heuristic information includes estimates of optimistic, pessimistic and most likely durations of each task (see, for example, column 8, lines 2-4). Such estimates are intrinsically based on past experience, such as experience with related tasks in other projects. Indeed, in an analogous art, Haeberle discloses that experience from past projects is an important asset to capture and apply to new projects (see, for example, paragraph [0006]). Haeberle teaches collecting data regarding the completion of tasks so that successful strategies can be reused in similar projects (see, for example, paragraph [0007]).

Thus, as Haeberle suggests, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Deziel such that collecting heuristic information comprises at least one of collecting a time to complete a same or a similar task in another project, sampling a plurality of times to complete the same or similar task in a plurality of other projects, and surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Deziel in view of Haeberle further teaches:

allocating resources in response to the estimated project churn (see, for example, column 18, lines 64-68, which shows allocating resources in response to the estimate).

With respect to claim 3 (currently amended), the rejection of claim 1 is incorporated, and Deziel in view of Haeberle further teaches entering at least optimistic, pessimistic and expected time requirements to rework or modify each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 2-4, which shows entering optimistic, pessimistic and most likely times for every such activity or task).

With respect to claim 4 (currently amended), the method of claim 1 is incorporated, and Deziel further teaches performing a weighted average duration analysis for each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 24-26, which shows performing a weighted average duration analysis for every such activity or task).

With respect to claim 5 (currently amended), the rejection of claim 1 is incorporated, and Deziel in view of Haeberle further teaches determining an average time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 24-26, which shows determining average times for every such activity or task).

With respect to claim 6 (original), the rejection of claim 5 is incorporated, and Deziel in view of Haeberle further teaches determining the average time requirement comprises averaging at least an optimistic, pessimistic and expected time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes (see,

for example, column 12, lines 52-66, which shows averaging optimistic, pessimistic and most likely times for every such activity or task).

With respect to claim 7 (original), the rejection of claim 6 is incorporated, and Deziel in view of Haeberle further teaches entering a weight factor for each optimistic, pessimistic and expected time requirement (see, for example, column 8, lines 5-7, which shows entering a confidence weight factor for the times).

With respect to claim 8 (original), the rejection of claim 7 is incorporated, and Deziel in view of Haeberle further teaches performing a weighted average duration analysis on the average time requirement for each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 24-26, which shows performing a weighted average duration analysis for every such activity or task).

With respect to claim 9 (original), the rejection of claim 8 is incorporated, and Deziel in view of Haeberle further teaches determining an impact to the project in response to the weighted average duration analysis (see, for example, column 16, lines 3-16, which shows determining an impact to the project in response to the analysis).

With respect to claim 10 (original), the rejection of claim 1 is incorporated, and Deziel in view of Haeberle further teaches tracking reworked tasks and time duration to complete each reworked task during the course of the project (see, for example, column 19, lines 19-28, which shows tracking activities or tasks during the course of the project).

With respect to claim 11 (currently amended), Deziel teaches a method to gauge and control churn of a project (see, for example, the abstract), comprising:

entering a project-specific task list (see, for example, column 7, lines 58-67, which shows entering an activity or task list for a project);

entering at least optimistic, pessimistic and expected time requirements to rework or modify each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 2-4, which shows entering optimistic, pessimistic and most likely times for every such activity or task);

collecting heuristic information on each task of the project to determine the optimistic, pessimistic and expected time requirement to rework or modify each task of the project requiring rework or modification in response to any potential project changes (see, for example, column 7, lines 58-67, which shows collecting heuristic information for every such activity or task of the project).

Deziel further teaches that collecting heuristic information comprises at least collecting precedence information and collecting the parameters of a probability distribution on the duration of each task (see, for example, column 7, lines 58-67), but does not expressly disclose that collecting heuristic information comprises at least one of:

collecting a time to complete a same or a similar task in another project;

sampling a plurality of times to complete the same or similar task in a plurality of other projects;

surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Nonetheless, Deziel does teach that the heuristic information includes estimates of optimistic, pessimistic and most likely durations of each task (see, for example, column 8, lines 2-4). Such estimates are intrinsically based on past experience, such as experience with related tasks in other projects. Indeed, in an analogous art, Haeberle discloses that experience from past projects is an important asset to capture and apply to new projects (see, for example, paragraph [0006]). Haeberle teaches collecting data regarding the completion of tasks so that successful strategies can be reused in similar projects (see, for example, paragraph [0007]).

Thus, as Haeberle suggests, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Deziel such that collecting heuristic information comprises at least one of collecting a time to complete a same or a similar task in another project, sampling a plurality of times to complete the same or similar task in a plurality of other projects, and surveying a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Deziel in view of Haeberle further teaches:

entering a weighting factor for each of the optimistic, pessimistic and expected time requirements to perform a weighted average duration analysis (see, for example, column 8, lines 5-7, which shows entering a confidence weighting factor for the times);

determining an average time requirement to rework or modify each task requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 24-26, which shows determining average times for every such activity or task);

performing a weighted average duration analysis on any tasks requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 24-

26, which shows performing a weighted average duration analysis for every such activity or task);

determining an impact to the project in response to the weighted average duration analysis (see, for example, column 16, lines 3-16, which shows determining an impact to the project in response to the analysis); and

presenting the impact to a user (see, for example, column 19, lines 19-28, which shows presenting the impact).

With respect to claim 14 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches that determining the impact to the project comprises totaling times for all affected tasks from the weighted average duration analysis (see, for example, column 12, lines 25-33, which shows totaling the duration of every such activity or task).

With respect to claim 15 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches allocating resources in response to the impact to the project (see, for example, column 18, lines 64-68, which shows allocating resources in response to the impact).

With respect to claim 16 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches tracking reworked tasks and time duration to complete each reworked task during the course of the project (see, for example, column 19, lines 19-28, which shows tracking activities or tasks during the course of the project).

With respect to claim 17 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches presenting the impact to the project to provide an early warning (see, for example, column 19, lines 19-28, which shows presenting the impact).

With respect to claim 18 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches that entering the project-specific tasks comprises generating a graphical user interface for a user to enter the tasks (see, for example, column 8, lines 14-19, which shows generating such a graphical user interface).

With respect to claim 19 (original), the rejection of claim 11 is incorporated, and Deziel in view of Haeberle further teaches that entering the at least optimistic, pessimistic and expected time requirements comprises generating a graphical user interface for a user to enter the time requirements (see, for example, column 8, lines 14-19, which shows generating such a graphical user interface).

With respect to claim 21 (currently amended), Deziel teaches a system to gauge and control churn of a project (see, for example, the abstract), comprising:

an input device to enter heuristic information on each task of a project requiring rework or modification in response to any potential project changes (see, for example, column 7, lines 58-67, which shows entering heuristic information for every such activity or task of a project).

Deziel further teaches that the heuristic information comprises at least precedence information and the parameters of a probability distribution on the duration of each task (see, for

example, column 7, lines 58-67), but does not expressly disclose that the heuristic information comprises:

time to complete a same or a similar task in another project;

a sampling of a plurality of times to complete the same or similar task in a plurality of other projects;

a survey of a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Nonetheless, Deziel does teach that the heuristic information includes estimates of optimistic, pessimistic and most likely durations of each task (see, for example, column 8, lines 2-4). Such estimates are intrinsically based on past experience, such as experience with related tasks in other projects. Indeed, in an analogous art, Haeberle discloses that experience from past projects is an important asset to capture and apply to new projects (see, for example, paragraph [0006]). Haeberle teaches collecting data regarding the completion of tasks so that successful strategies can be reused in similar projects (see, for example, paragraph [0007]).

Thus, as Haeberle suggests, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Deziel such that the heuristic information comprises time to complete a same or a similar task in another project, a sampling of a plurality of times to complete the same or similar task in a plurality of other projects, and a survey of a plurality of experienced project managers to provide an estimated time requirement to complete the task.

Deziel in view of Haeberle further teaches:

a processor (see, for example, CPU 10 in FIG. 1); and

an analysis program operable on the processor to determine an impact to the project in response to any potential project changes using the heuristic information, wherein the analysis program is adapted to utilize an optimistic, pessimistic and expected time requirements for each task of the project and a weighting factor for each of the optimistic, pessimistic and expected time requirements to determine the impact to the project (see, for example, column 16, lines 3-16, which shows determining an impact to the project using the information, and column 8, lines 2-4 and 5-7, which shows further shows that the analysis uses optimistic, pessimistic and most likely times for every such activity or task and a confidence weighting factor for the times); and an output device to present the impact to a user (see, for example, column 19, lines 19-28, which shows presenting the impact).

With respect to claim 22 (original), the rejection of claim 21 is incorporated, and Deziel in view of Haeberle further teaches a display to present graphical user interfaces for entering the heuristic information and other information (see, for example, column 8, lines 14-19, which shows such graphical user interfaces).

With respect to claim 23 (original), the rejection of claim 22 is incorporated, and Deziel in view of Haeberle further teaches a user interface generator to generate a graphical user interface displayable to a user on the display to enter a project-specific task list (see, for example, column 7, lines 58-67, which shows entering an activity or task list for the project).

With respect to claim 24 (previously presented), the rejection of claim 22 is incorporated, and Deziel in view of Haeberle further teaches a user interface generator to generate a graphical

user interface displayable to a user to enter at least the optimistic, pessimistic and expected time requirements to rework or modify each task of a project requiring rework or modification in response to any potential project changes (see, for example, column 8, lines 2-4, which shows entering optimistic, pessimistic and most likely times for every such activity or task).

With respect to claim 25 (previously presented), the rejection of claim 24 is incorporated, and Deziel in view of Haeberle further teaches that the user interface generator is adapted to generate a graphical user interface to enter the weighting factor for each of the optimistic, pessimistic and expected time requirements to perform a weighted average duration analysis (see, for example, column 8, lines 5-7, which shows entering a confidence weighting factor for the times, and column 8, lines 24-26, which shows performing a weighted average duration analysis).

With respect to claim 26 (original), the rejection of claim 21 is incorporated, and Deziel in view of Haeberle further teaches that the analysis program comprises a weighted average duration analysis program (see, for example, column 8, lines 24-26, which shows performing a weighted average duration analysis).

With respect to claim 29 (original), the rejection of claim 21 is incorporated, and Deziel in view of Haeberle further teaches means to track reworked tasks and time duration to complete each reworked task during the course of the project (see, for example, column 19, lines 19-28, which shows tracking activities or tasks during the course of the project).

With respect to claim 30 (original), the rejection of claim 21 is incorporated, and Deziel in view of Haeberle further teaches means to allocate resources in response to the impact to the project (see, for example, column 18, lines 64-68, which shows allocating resources in response to the impact).

With respect to claim 36 (currently amended), the claim is directed to a computer-readable medium encoded with computer-executable instructions for performing a method that corresponds to the method of claim 1 (see the rejection of claim 1 above).

With respect to claim 38 (currently amended), the rejection of claim 36 is incorporated, and the elements recited in the claim correspond to those of claim 3 (see the rejection of claim 3 above).

With respect to claim 39 (currently amended), the rejection of claim 36 is incorporated, and the elements recited in the claim correspond to those of claim 4 (see the rejection of claim 4 above).

With respect to claim 40 (currently amended), the rejection of claim 36 is incorporated, and the elements recited in the claim correspond to those of claim 5 (see the rejection of claim 5 above).

With respect to claim 41 (currently amended), the rejection of claim 36 is incorporated, and the elements recited in the claim correspond to those of claim 6 (see the rejection of claim 6 above).

With respect to claim 42 (previously presented), the rejection of claim 41 is incorporated, and the elements recited in the claim correspond to those of claim 7 (see the rejection of claim 7 above).

With respect to claim 43 (previously presented), the rejection of claim 42 is incorporated, and the elements recited in the claim correspond to those of claim 8 (see the rejection of claim 8 above).

With respect to claim 44 (previously presented), the rejection of claim 36 is incorporated, and Deziel in view of Haeberle further teaches generating a graphical user interface for a user to enter a project-specific task list (see, for example, column 7, lines 58-67, which shows entering an activity or task list for the project).

With respect to claim 45 (previously presented), the rejection of 36 is incorporated, and the elements recited in the claim correspond to those of claim 3 (see the rejection of claim 3 above).

With respect to claim 46 (previously presented), the rejection of 45 is incorporated, and the elements recited in the claim correspond to those of claim 7 (see the rejection of claim 7 above).

7. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deziel in view of Haeberle, as applied to claims 11 and 26 above, respectively, and further in view of U.S. Patent No. 5,826,236 to Narimatsu et al. (art of record, "Narimatsu").

With respect to claim 13 (original), the rejection of claim 11 is incorporated. Deziel in view of Haeberle does not expressly disclose that performing the weighted average duration analysis comprises performing a program evaluation and review technique (PERT).

However, in an analogous art, Narimatsu teaches performing a PERT calculation (see, for example, column 16, lines 44-56), so as to reduce scheduling time when allocating resources to processes or tasks (see, for example, column 10, lines 20-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Deziel and Haeberle such that performing the weighted average duration analysis comprises performing a program evaluation and review technique (PERT), as Narimatsu suggests, so as to reduce scheduling time when allocating resources to the activities or tasks.

With respect to claim 27 (original), the rejection of claim 26 is incorporated. Deziel in view of Haeberle does not expressly disclose that the analysis program comprises a programmed evaluation and review technique (PERT).

However, in an analogous art, Narimatsu teaches performing a PERT calculation (see, for example, column 16, lines 44-56), so as to reduce scheduling time when allocating resources to processes or tasks (see, for example, column 10, lines 20-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of Deziel and Haeberle such that the analysis program comprises a programmed evaluation and review technique (PERT), as Narimatsu suggests, so as to reduce scheduling time when allocating resources to the activities or tasks.

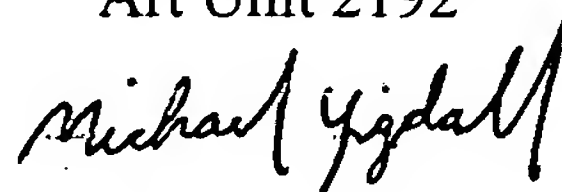
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Yigdall
Examiner
Art Unit 2192



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